

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
v.) Criminal No. 05-10140-RGS
)
THOMAS M. FINNERAN)
)
Defendant.)

JOINT MOTION FOR PROTECTIVE ORDER

The United States of America, by and through Assistant United States Attorney John T. McNeil, and the defendant THOMAS M. FINNERAN, by and through counsel, move the Court pursuant to Fed.R.Crim.P. 16 and Local Rule 116, to issue a protective order in the form attached hereto, restricting the use and dissemination of documents, and the contents thereof, which will be provided to the defendant by the United States for the sole purpose of the legal defense of this case. Accordingly, the parties respectfully request that the Court enter a protective order in the form attached.

Respectfully Submitted,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

By: /s/ John T. McNeil
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/s/ Richard M. Egbert
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Dated: July 12, 2005

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)
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v.) Criminal No. 05-10140-RGS
)
THOMAS M. FINNERAN,)
)
Defendant.)

PROTECTIVE ORDER

Motion having been made by the parties pursuant to Fed.R.Crim.P. 16 and Local Rule 116 for a protective order which prohibits the disclosure of documents, and information contained therein, except for the purpose of the legal defense of the case captioned above, and which also restricts the disclosure of documents to certain individuals engaged in the defense of this case, it is hereby ORDERED as follows:

1. With respect to all documents, and information contained therein, disclosed by the government to defense counsel of record under this Order, defense counsel of record may further disclose such documents, or information contained therein, only for the purpose of the legal defense of the case captioned above. Defense counsel of record may disclose such documents, and information contained therein, to the following individuals:
 - a. members of defense counsels' offices who are directly engaged in assisting the legal defense of this case (defined to include partners, associates, and employees of defense counsels' law firms, including secretaries and paralegals);
 - b. other persons retained by defense counsel of record for the purpose of assisting in the legal defense of this case, such as private investigators and experts;
 - c. the defendant; and

d. potential witnesses for the legal defense of this matter, provided that defense counsel of record have made a good-faith determination that such disclosure is necessary to the proper preparation of the legal defense of this case. However, copies of such documents shall only be shown, and shall not be given, to such witnesses.

2. Prior to disclosing any documents, or information contained therein, to any person defense counsel of record shall fully explain the terms of this Order and obtain from each person to whom such disclosure is made, an acknowledgment of the terms of this Order and their agreement to comply with its terms. Each person to whom disclosure is made shall endorse a copy of this Order, and defense counsel of record shall file such an endorsed copy with the Court. In the event that a potential witness declines to execute a copy of this Order, defense counsel of record shall file notice with the Court that such a disclosure has been made and that the named potential witness has been informed of the content of the Order. Such filings shall be filed under seal and *ex parte*. The government shall have access to these filings only upon motion to the Court and good cause shown.

3. Those persons acting as agents of defense counsel of record, defined as those individuals identified in Paragraphs 1.a. and 1.b., may disclose documents, or information contained therein, produced by the government under this Order, to potential witnesses on the following conditions:

- a. such disclosure may only be for the purpose of the legal defense of the case;
- b. such disclosure may only be made after good-faith determination that such disclosure is necessary to the proper preparation of the legal defense of this case;
- c. such disclosure shall be made only after the potential witness has been advised of

the existence of this Order, agrees to comply with this Order, and executes a copy of this Order. In the event the potential witness declines to execute a copy of this Order, defense counsel of record shall file notice with the Court that such a disclosure has been made and that the named potential witness has been informed of the content of the Order; and

- d. potential witnesses may be shown copies of documents covered by this Order, but may not be provided copies of such documents.

4. Only defense counsel of record and their agents (as defined in Paragraphs 1.a. and 1.b.) may disseminate documents, or information contained therein, which have been disclosed by the government under this Order. Neither the defendant, nor any other person receiving such documents or information contained therein, is permitted to disseminate or disclose such documents or information for any purpose at any time.

5. This Order shall take effect, and the government shall produce discovery covered by this Order, only after acknowledged and countersigned copies of this Order have been filed with the Court by defense counsel of record.

DATE
